



STATE OF NEW JERSEY

In the Matter of Robert Eckert and
John Zapata, Battalion Fire Chief
(PM2149W), Camden and
(PM2151W), Elizabeth

CSC Docket Nos. 2019-1986
2019-2077

:
:
: **FINAL ADMINISTRATIVE ACTION**
: **OF THE**
: **CIVIL SERVICE COMMISSION**
:
:
: Examination Appeals
:
:
:
:

ISSUED: June 13, 2019 (RE)

Robert Eckert and John Zapata request examination reviews for the multiple-choice portion of the examination for Battalion Fire Chief (PM2149W), Camden and Battalion Fire Chief (PM2151W), Elizabeth, respectively. Examination results are not yet available. These appeals have been consolidated due to common issues.

The subject examination was scheduled for November 15, 2018 for many candidates in multiple jurisdictions, including Camden and Elizabeth. Due to weather, the examination had to be rescheduled for January 10, 2019. This multiple-choice examination consisted of 70 questions. On appeal, Eckert argues that he received a green paper with instruction on scheduling an examination review, and on January 11, 2019 he followed the instructions to schedule his review on February 4, 2019. He did not receive a confirmation and called to follow-up. He was told that he was not scheduled and could not get a review. Staff replied that scheduling was through a vendor, using a program called Signup Genius. The website for Signup Genius indicates that 18 million people per month organize events and volunteer actions with that program. It is extremely unlikely that something was wrong with this program when Eckert signed up. Rather, the onus is on the candidate to follow directions and use the program correctly. If Eckert had scheduled his review correctly, he would have received a confirmation email sent to his email address immediately after signing up. He was asked to provide proof that he scheduled his review properly. Eckert responded with screen prints from Signup Genius. They are undated, say 10:20 am, and indicate that the Battalion Fire Chief/Fire Officer 2 examination "Test Date 1/10/19" is now closed and the deadline

to request a review has expired. He states that this is what he saw on the day he registered.

Zapata argues that he was not given instructions in the exam room by the room monitor, but was informed of the review process by a coworker who took the examination in a different room. He states that his monitor did not give any instructions or materials needed to schedule the review, and that he found out about the process after the window had closed.

CONCLUSION

The record establishes that appellants took the subject examination on January 10, 2019. Pursuant to *N.J.A.C. 4A:4-6.4(a)*, candidates for multiple-choice examinations must, within five business days after the examination has been held, contact the Civil Service Commission (Commission) to make an appointment to review the keyed test booklet. Within five business days after the date of review, or within five business days of the examination date for those candidates who chose not to review, candidates can file appeals in writing against the keyed responses, job-relatedness, or appropriateness of test content. The record further establishes that neither appellant scheduled for a review of the test booklet, Zapata did not appeal the issue until February 9, 2019. Under these circumstances, Zapata's appeal is clearly untimely and is dismissed solely on those grounds. Nevertheless, even assuming *arguendo* that he filed a timely appeal, a review of the merits of this appeal shows that appellant is not entitled to any relief.

Monitors follow written instructions and are required to inform candidates of information while in the exam room. In this case, the monitors distributed the Review Form and told candidates to read it while waiting to check in. This form stated that:

Requests for exam review appointments will be accepted from 12:01 a.m. on January 10, 2019 to 11:59 p.m. on January 18, 2019. Candidates will NOT be admitted for review without an appointment. When completing your information on the website, please ensure that you write your name **EXACTLY** as it appears on your notice. If you wish to schedule a review appointment, please visit the following website:

<https://www.signupgenius.com/go/20F0B4CA5AB22A7FF2-20184>

When beginning the examination, candidates are told that, "With the exception of the review form, you must return all materials given to you during the exam." Also, in the Orientation Guide for this exam, it states that candidates will be given a review form prior to the start of the exam which explains specific dates

and times for a review. It states, “Candidates will be permitted to leave the test center with the review form so they can reference the information contained on it, in order to schedule an appointment if they choose to do so. Appointments are made on a first-come, first-served basis, until all appointments are booked. During the review, candidates will have up to 30 minutes to look through a clean copy of the exam booklet and a copy of the key sheet containing the correct answers.” There were 17 candidates who showed up to take the examination in Zapata’s room. Of those, ten signed up for the review. Thus, it is unlikely that the monitor of Zapata’s room had not provided candidates with review instructions since ten of 17 individuals scheduled reviews.

In Eckert’s room, there were 21 candidates who showed up to take the examination. Of those, 13 candidates, more than half, signed up for an examination review. Eckert maintains that he signed up for an examination review on January 11, 2019. However, his name was not registered, and he did not get a review. Additionally, the screen prints Eckert provided from Signup Genius indicate that the deadline to submit a request to schedule an examination review had expired. Therefore, it is extremely unlikely that there was a problem with the website for Signup Genius. Rather, it is likely that Eckert did not follow directions and sign up properly by writing his name exactly as it appeared on his notice. *N.J.A.C. 4A:2-1.4(c)* states that the burden of proof shall be on the appellant. He was asked to provide proof, such as an email confirmation that he would have received directly after signing up. Rather, he provided a screenshot showing that he missed the deadline. This is not proof that he signed up properly on the website.

A thorough review of the record indicates that the determinations of the Division of Information and Logistics was proper and consistent with Civil Service regulations, and that appellants have not met their burden of proof in these matters.

ORDER

Therefore, it is ordered that these appeals be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12th DAY OF JUNE, 2019



Deirdré L. Webster Cobb
Chairperson
Civil Service Commission

Inquiries
and
Correspondence

Christopher S. Myers
Director
Division of Appeals and Regulatory Affairs
Civil Service Commission
Written Record Appeals Unit
P. O. Box 312
Trenton, New Jersey 08625-0312

c: Robert Eckert
John Zapata
Michelle Karngbaye
Records Center